

# **EXHIBIT 33**

US District Court - Delaware  
Chapter 11 - W.R. Grace

FINAL COPY - CONFIDENTIAL  
Daniel Myer - November 20, 2007

Page 1

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

---

CHAPTER 11

IN RE:

W.R. GRACE & CO., et al.,  
Debtors.

Case No. 01-1139(JFK)

Jointly Administered

---

VIDEO DEPOSITION OF

Daniel Myer

November 20, 2007

New York, New York

Lead: Elli Leibenstein, Esquire

Firm: Kirkland & Ellis, LLP

FINAL COPY - CONFIDENTIAL

JANE ROSE REPORTING 1-800-825-3341

JANE ROSE REPORTING  
1-800-825-3341 janerosereporting.com

US District Court - Delaware  
Chapter 11 - W.R. Grace

FINAL COPY - CONFIDENTIAL  
Daniel Myer - November 20, 2007

Page 194

1           **Q. They know if they are a maintenance**  
2           **worker?**

3           A. Yes.

4           **Q. And that's not information that Grace**  
5           **itself would know about the claimant?**

6           **Correct?**

7           A. Unless it was provided by the plaintiff  
8           counsel.

9           **Q. So the stay in 2001 would have nothing to**  
10          **do with what the person did in his job? Is that**  
11          **correct?**

12          A. The stay certainly would have -- would not  
13          have changed the historical occupational history of  
14          any given plaintiff.

15          **Q. Right. I mean, the occupational history**  
16          **is something that's usually taken by the plaintiff's**  
17          **counsel as soon as the case is being put together?**  
18          **Isn't that right?**

19          A. The occupational history would have  
20          remained the same in 2001 as it -- reported in 2001  
21          as it would be reported in 2006.

22          **Q. And that's something that usually is**  
23          **developed right at the beginning of the case, the**  
24          **occupational history of the claimant? Isn't that**  
25          **right?**

US District Court - Delaware  
Chapter 11 - W.R. Grace

FINAL COPY - CONFIDENTIAL  
Daniel Myer - November 20, 2007

Page 195

1           A. What they normally do is they -- they sit  
2           the plaintiffs down, and they have a discussion with  
3           them about their work histories, and then they go  
4           into as much detail as possible about trying to find  
5           out basically what their -- about what their actual  
6           histories were --

7           **Q. But --**

8           A. -- but it makes sense initially they would  
9           know up front what the occupational history was of  
10          given plaintiffs -- of different -- of different  
11          claimants.

12          MR. LEIBENSTEIN: Do you want to take  
13          a break for a minute?

14          THE WITNESS: Yes.

15          MR. LEIBENSTEIN: Okay.

16          THE VIDEOGRAPHER: Going off the  
17          record.

18          The time is 2:18 p.m. This is the  
19          end of Tape 4 in the deposition of Daniel  
20          Myer.

21          (Recess taken at 2:18 p.m.)

22          (Resumed at 2:32 p.m.)

23          THE VIDEOGRAPHER: We are back on the  
24          record.

25          The time is 2:32 p.m. This is the